

REMARKS

In response to the Notice of Non-Compliant Amendment ("Notice"), Applicant amends claims 15, 22 and 23. Specifically, in the Notice, the Examiner objected to the use of double brackets to delete the phrases "a video game" and "at least two." In response, Applicant now deletes the phrases using ~~strike-through~~.

In addition, the Examiner objects to claim 23 [sic] (actually claim 22) for inconsistent punctuation. In response, Applicant has properly deleted the semi-colon, and properly added a colon in claim 22.

Below is a copy of Applicant's 27 April 2009 response:

Claims 9, 15 and 21-32 are pending in this application. Attached hereto is a complete listing of all claims in the application, with their current status listed parenthetically. By this Response, claims 15, 23, 25, 26 and 30 have been amended and are presented with markings indicating their current amendments. Claims 25, 28 and 31 have been cancelled, without prejudice to further prosecution,

Rejection Under 35 U.S.C. § 112, 1st paragraph

In paragraphs 3 and 4 of the Office Action, the Examiner rejects claims 15, 22, 26 and 30 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner objects to Applicant disclaiming "a server." In response, Applicant has amended claims 15, 22, 26 and 30 and eliminated any recitation of "server."

Rejections Under 35 U.S.C. § 102(b) and § 103(a)

In paragraphs 7-9 Office Action, claims 9, 15 22, 25-26 and 28 stand rejected as anticipated by, or obvious over U.S. patent 5,850,539 ("Cook"). Applicant traverses the rejection. As claims 25 and 28 have been canceled, the rejection of these claims is now moot.

A. The Law of Anticipation and Enabling Prior Art References

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. M.P.E.P. § 2131. The identical invention must be shown in as complete detail as is contained in the claim. *Id.*

However, Applicant submits that claim 1 has elements that cannot be found either expressly or inherently in Cook. Specifically, amended independent claims 15, 22, 26 and 30 now all include the following elements:

a single housing that includes:

a video monitor;

a projection above the video monitor that includes a speaker;

a platform below the video monitor that includes two game control systems, with each game control system comprising a joystick and a plurality of round buttons;

an enclosure below the platform, the enclosure sized to receive a plurality of different video game systems.

Because Cook does not teach or suggest the above elements, Applicant respectfully submits that the above-described amendments have distinguished independent claims 15, 22, 26 and 30 from Cook. Claim 9 depends from claim 15, and

accordingly it is respectfully submitted that the rejection of claim 9 has been traversed by virtue of its dependency from claim 15.

2nd Rejection Under 35 U.S.C. § 103(a)

In paragraph 10 of the Office Action, claims 23-24, 27 and 30-31 stand rejected as unpatentable under 35 U.S.C. § 103(a) over Cook. Applicant traverses the rejection.

As discussed above, to further distinguish Applicant's claimed invention from Cook, Applicant has amended independent claim 30 to include elements not taught or suggested in Cook.

Applicant submits that the above-described amendment and the accompanying response has traversed the rejection of independent claim 30. As claims 23-24, 27 and 31 depend from one of independent claims 15, 22, 26 or 30, it is submitted that the rejection of claims 23-24, 27 and 31 has been traversed by virtue of their dependency from one of independent claims 15, 22, 26 or 30. See M.P.E.P. § 2143.03.

In paragraph 11 of the Office Action, the Examiner also rejects claims 21, 29 and 32 as unpatentable under 35 U.S.C. § 103(a) over Cook in view of U.S. patent 6,151,645 to Young.

As Young fails to provide the teachings missing from Cook, Applicant requests that the Examiner withdraw this rejection. In addition, claims 21, 29 and 32 depend from one of independent claims 15, 22, 26 or 30 (which have been distinguished from the cited art above), and accordingly it is submitted that the rejection of claims 21, 29 and 32

has been traversed by virtue of their dependency from one of independent claims 15, 22, 26 or 30. See M.P.E.P. § 2143.03.

Conclusion

Applicant believes that this Response has addressed all items in the Notice of Non-Compliant Amendment, and in the 24 November 2008 Office Action and now places the application in condition for allowance. Accordingly, favorable reconsideration and allowance of claims 9, 15, 21-24, 26-27, 29-30 and 32 at an early date is solicited. Should any issues remain unresolved, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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Date



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